



SB 957

**Testimony of Attorney Sharon L. Pope
Connecticut Bar Association
Elder Law Section**

In Support of SB957

**An Act Concerning Medicaid Eligibility
For Persons Living In Residential Care Homes**

**Human Services Committee
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Thank you for the opportunity today to testify on a matter of importance to the Elder Law Section of the Connecticut Bar Association. There are approximately 500 members in our section and I am here to highlight the significance of SB 957.

My name is Sharon Pope and I am an attorney whose practice focuses on the elderly, i.e. persons 65 or better, and persons with disabilities. My strength is home and community-based programs.

**Allow the Use of Special Needs Trusts
to reduce the countable income in certain circumstances.**

The CBA's Elder Law Section supports legislation that would permit the transfer of excess income and assets into a special needs trust in the State Supplement cash assistance program (Aid to the Aged, Blind and Disabled).

The use of special needs trusts (SNT's) as a tool to help people stay home or in the community is not new in Connecticut. In 1993, Congress approved self-funded SNT's for persons with disabilities; likewise, Connecticut followed. These trusts allow the recipients of Medicaid and SSI (Supplemental Security Income) to retain these important benefits and at the same time fund SNT's with income and assets. Without the use of SNT's many of our residents would be institutionalized instead of enrolled in home care programs.

- Over 100 seniors currently are able to stay in their homes thanks to the SNT's. Since our Medicaid waiver programs have income caps for home care, in addition to the Medicaid asset limits, seniors whose income is even one penny over the cap will be refused services and the result is one more senior goes to an institution.
- Over 100 persons with disabilities enrolled in the ABI or PCA waivers, also with income caps, are able to stay home because the SNT holds some of their income or assets.

But here's an example of why we need this legislation. This past year I had a client who moved into a facility supported in part by state supplemental funds. He was born with Spina Bifida but worked many years until more surgeries forced him to discontinue his gainful employment. After he moved to this facility, he was doing well. He began engaging in Special Olympics, traveling and playing soccer, and he was on the Board; he inspired many of his colleagues.

Yet, there was bad news. His former employer mandated a pension and this pension put him over the income and asset limits for Medicaid. If he lived almost anywhere else in Connecticut, he could have put his income and assets into a Special Needs Trust like the other residents with disabilities have done in Connecticut for years. But he was forced out of his housing and left the State.

We support the use of Special Needs Trusts for all programs, whether funded by the State or funded through a Medicaid waiver. The result is keeping people in their homes and their communities and avoiding unnecessary institutionalization.

Thank you.